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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,506	06/23/2003	Isao Mochizuki	116159	8658

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,506

Applicant(s)

MOCHIZUKI ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>8/16/04</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/28/03 & 7/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 and 2, drawn to a main link for connecting and maneuvering a three-part keyboard, classified in class 400, subclass 482.
- II. Claims 3-5, drawn to a retraining device for a housing of a foldable keyboard, classified in class 361, subclass 680.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d). In the instant case, each of the inventions have separate utility and are distinct from the other combination(s). Neither of the subcombinations require the other subcombination to be present in order to function. That is, the main link of invention I does not require the housing retaining device of invention II and, likewise, the housing retaining device of invention II does not require the main link of invention I.

During a telephone conversation with applicant's attorney, Scott M. Schulte, Reg. No. 44,325, on August 16, 200, a provisional election was made with traverse to prosecute the invention of group I, claims 1 and 2. Applicant in replying to this Office action must make affirmation of this election. Claims 3-5 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,659,307 to Karidis et al. Referring to claim 1, Karidis et al. disclose a foldable keyboard (160) including a first (162), second (164), and third (166) keyboard units which are connected with one another, the units being horizontally aligned in this order during use of the keyboard (see Fig. 7B), wherein the keyboard further includes a main link (i.e., bottom portion 226, shown in Fig. 9) for connecting the first, second, and third keyboard units on a side (i.e., the bottom) of each unit; one end of the main link is rotatably connected with the first keyboard unit (162), a midpoint (234) of the main link (226) is rotatably connected with the second keyboard unit (164), and the other end of the main link is rotatably connected with the third keyboard unit (166). See Fig. 9 and the corresponding specification.

Karidis et al. discloses the first and third keyboard units, respectively, being put above the second keyboard unit during nonuse, but do not specifically disclose the units being put one above another during nonuse. It is well known to rearrange parts where needed (see MPEP 2144; *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to rearrange the first, second and third keyboard units of Karidis et al., e.g., placing the first unit (160) slightly above third unit (166), and placing the second unit (164) slightly above the third

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unit (166) during nonuse (see Fig. 7A), since rearranging the keyboard units as such would reduce the size of the stored keyboard in the lateral direction, and therefore allow for a smaller portable device.

Referring to claim 2, Karidis et al., as modified, disclose a foldable keyboard (160) further including a first auxiliary link (236-L) which has a length one-half that of the main link (i.e., bottom portion 226) and constitutes a parallel link to the main link, the first auxiliary link being rotatably connected with the first and second keyboard units (via the main link) respectively, and a second auxiliary link (236-R) which has a length one-half that of the main link (i.e., bottom portion 226) and constitutes a parallel link to the main link, the second auxiliary link being rotatably connected with the second and third keyboard units (via the main link) respectively. See Fig. 9 and the corresponding specification.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,755,581 to Houngh et al. disclose a foldable keyboard having first (1), second (30), and third (2) keyboard units connected with one another, and a main link (42) for connecting the first, second, and third keyboard units on a side of each unit. See Figs. 2 and 3 and the corresponding specification.

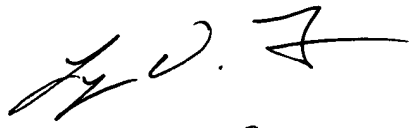
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 16, 2004
aqe



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